

**REMARKS**

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 15 and 31-53 are currently pending in this application. Claims 15 and 42 are independent. The remaining claims depend, directly or indirectly, from claims 15 and 42.

**Rejections under 35 U.S.C. § 103**

Claims 15 and 31-53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,536,041 ("Knudson") in view of U.S. Patent No. 6,732,369 ("Schein") and further in view of U.S. Patent No. 6,177,931 ("Alexander"). This rejection is respectfully traversed.

In the Action mailed December 24, 2008, the Examiner admits that both Knudson and Schein fail to disclose or render obvious the limitation reciting "wherein the service menu is displayed in inactive form when the at least one interactive message is displayed, and wherein the at least one interactive message is suppressed when the service menu is active," as required by the independent claims. *See* Action page 8. However, the Examiner relies on Alexander as teaching the aforementioned limitation. Applicant respectfully disagrees.

The claimed limitation recited above requires (i) that the service menu, in its entirety, is inactive during the time that the interactive message is displayed; and (ii) that the interactive message, though displayed, is suppressed, when the service menu is in active form. In other words, the claimed invention allows for only one of either the service menu or the interactive message to operate, but not both. There is no such requirement or teaching in Alexander.

Specifically, in Alexander, multiple windows are displayed on a television screen along with a notification message to which the user responds. The Examiner asserts that Alexander discloses that the notification message may be displayed in one of several ways, one of which is as a complete screen overlay. *See* Action page 8. The Examiner then asserts that because of this arrangement for displaying of the notification message, Alexander “obviously suggests that the service menu is displayed in inactive form when the notification message is displayed.” *See Id.* Respectfully, Applicant asserts that the Examiner’s statement is completely incorrect and that there is nothing obvious about an arrangement of a complete overlay of one component atop another being the same as or equivalent to rendering one of the components inactive. In fact, there is no explicit disclosure in Alexander regarding any of the windows/menus on the television screen being inactive during the displaying of the notification message.

Even if the notification message is overlaid completely on the underlying window(s), the underlying window(s) can and very well may be still *active*. Inactive, by definition, means that the menu cannot be accessed and even if accessed, cannot respond to any input. There is no contemplation in Alexander of rendering any of the windows/menus *inactive* when displaying the notification message. A user may simply navigate to the underlying menus to access them. Further, there is also no mention in Alexander of a mutually exclusive relationship between the notification message and the service menu – i.e., that only one or the other can be active at any when the notification message is displayed. Rather, Applicant asserts that the Examiner is completely reading out the limitation recited above and required by the claims, or completely mischaracterizing the teachings of Alexander, both of which are wholly improper. Thus, Alexander fails to disclose or render obvious the limitation recited in (i) and (ii) above.

In view of the above, it is clear that the Examiner contentions fail to support an obviousness rejection of independent claims 15 and 42. Further, pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [11345/019001]).

Dated: June 24, 2009

Respectfully submitted,

By 

Jonathan P. Osha  
Registration No.: 33,986  
OSHA · LIANG LLP  
909 Fannin Street, Suite 3500  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant